

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

PRIDE ENERGY COMPANY, an )  
Oklahoma General Partnership, )  
 )  
Plaintiff, )

and )

JOHN C. OXLEY, L.L.C., an Oklahoma )  
Limited Liability Company, )  
 )  
Intervening Plaintiff, )

vs. )

Case Number CIV-03-1590-C

THE CRISPIN COMPANY, a Texas )  
Corporation; HAGER BROTHERS )  
PIPE, INC., an Oklahoma Corporation; )  
HALIBURTON ENERGY SERVICES, )  
INC., a Delaware Corporation, )  
 )  
Defendants, )

and )

THE CRISPIN COMPANY, a Texas )  
Corporation, )  
 )  
Third-Party Plaintiff, )

vs. )

PETROTUB-S.A., an instrumentality of )  
the Romanian government, and SOTA )  
COMMUNICATIONS COMPANY, )  
SRL, a Romanian Corporation, )  
 )  
Third-Party Defendants. )

**MEMORANDUM OPINION AND ORDER**

Before the Court is Defendant, Halliburton Energy Services, Inc.'s Motion for Relief from Order. Therein, Halliburton requests the Court to vacate its May 26, 2005, Order granting the Joint Motion of Pride Energy Company and John C. Oxley, L.L.C. to Strike Defendant, Halliburton Energy Services, Inc.'s Amended Motion for Summary Judgment. Halliburton argues that as of the date of the Court's Order its time for filing a Response had not yet passed. Halliburton's motion overlooks the language of LCvR 7.2(e). That rule requires responsive pleadings to be filed within 18 days after a motion is *filed*. The additional three days found in Fed. R. Civ. P. 6(e) is triggered only when the time is counted from *service*. Thus, as the Court noted in its earlier Order, Halliburton failed to file a timely response and the motion was subject to being confessed. However, in the present motion, Halliburton requests, in the alternative, an extension of time to file its response. That request will be granted. The Court's docket reflects Halliburton filed a response to the Motion to Strike on May 27, 2005. Accordingly, the Court will consider the Motion and Response on the merits.

As set forth more fully herein, Defendant, Halliburton Energy Services, Inc.'s Motion for Relief from Order (Dkt. No. 167) is GRANTED in part and DENIED in part. To the extent the Motion seeks additional time to file a Response, it is granted and the May 27, 2005 Response will be considered timely. In all other respects, the motion is denied. In light of the extension of time, the Court's May 26, 2005, Order (Dkt. No. 163) is VACATED.

Finally, based on the reasoning and rulings herein, the Joint Motion to Clarify filed by Pride Energy Company and John Oxley, L.L.C. is STRICKEN as moot.

IT IS SO ORDERED this 2nd day of June, 2005.



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ROBIN J. CAUTHRON  
United States District Judge